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Original edition. 1859.

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John Brown
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Hon. A. B. McKinstry

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Mobile

THE INAUGURAL ADDRESS

OF

GOVERNOR A. B. MOORE,

TO THE

General Assembly of the State of Alabama,

DELIVERED DECEMBER 1, 1859.

MONTGOMERY:

ADVERTISER BOOK AND JOB STEAM PRESS PRINT.

1859

ADDRESS.

Gentlemen of the Senate and House of Representatives:

My first term of service as Chief Magistrate of the State has this day expired, and I now appear before you, clothed with authority from the people, to renew my official obligations, preparatory to entering upon the discharge of the duties of another administration.

This occasion affords me a fit opportunity to tender to the Electors of Alabama, the sincere thanks of a grateful heart for this assurance of their continued confidence.

There can be nothing more gratifying, to a public servant, than to receive unmistakable evidence of the approbation of his constituents. I have endeavored to be faithful in my administration, and have been sustained in my official acts by an approving judgment and conscience. That I have erred in some things, and may do so again, is not improbable. No man is perfect, and no one is more sensible of his imperfections than myself. I can only promise you to continue faithful in seeing that the laws are properly executed, and in protecting the interests and honor of the State. In this behalf, I invoke your aid and advice, and the continuance of that generous confidence which has, heretofore, been so liberally extended to me.

My message, at the commencement of the session, contained all the information as to State affairs, and such recommendations as I deemed necessary and proper to communicate, which leaves me but little to add on this occasion.

It gives me much pleasure to state, that up to this time, Alabama has promptly discharged all her obligations, arising out of her foreign and domestic debts, and has established a public credit, unsurpassed by any State in the Union. I feel assured that her high character, in this respect, will not be tarnished by a failure, on the part of the General Assembly, to make proper and timely provisions to meet her future liabilities. In a short time, the State will be relieved from all pecuniary obligations, incurred in her unfortunate experiment in banking. Experience teaches political communities, as well as individuals, many useful lessons. The State of Alabama has been taught by her experience, that it is unwise, and unsafe, to connect herself with banks, or other corporations. She has profited by this experience, and has, for many years, carefully abstained from such connections. Our present position is such, that if all the banking institutions and railroads, and other corporations in Alabama were to fail, no liabilities would thereby be incurred by the State.

Perhaps no State in the Union has greater reasons than Alabama to congratulate herself on her present condition and future prospects. Her soil is unsurpassed in fertility; her minerals, consisting chiefly of iron, coal, marble and lime, are inexhaustible, and her population have the energy and ability, to develop these great resources of wealth and power. Agricultural science is making rapid improvements in many portions of the State. Railroads are gradually penetrating the mineral regions, by means of which a larger portion of the State, now utterly worthless for cultivation, will become one of our greatest sources of wealth. In a few years, the pine lands of South Alabama, and the hills and mountains of Middle and North Alabama, will be no longer barren wastes, but will be made to contribute to the Treasury of the State, as well as to the wealth of her citizens.

A most laudable zeal is manifested in the cause of education. In every portion of the State, schools and colleges, for males

and females, are in successful operation. Individual enterprise is doing all that could be expected for the education of those who have the means of paying for their tuition. There is, however, a large class of children in the State who are not so fortunately situated. Whatever is done for them, must be done by the State. She has already done much, but much remains for her to do. Our system of public schools is yet in its infancy, and needs the fostering care of wise legislation, and an able and faithful superintendent, to administer its laws, and to digest and promulgate plans for its improvement. There is no policy by which the State can do more to prevent crime, or to elevate the moral standard of her people, than by extending the means of learning to read and write to every child within her limits.

So far as the domestic and internal affairs of Alabama are concerned, they give the strongest evidence of present and future prosperity.

I regret that the same cannot be said in regard to our federal relations. The crusade against the institution of slavery, commenced in 1819, is still going on, and has assumed a threatening and most alarming aspect. If the strong arm of the Black Republicans is not arrested, the Constitution and the Union will not be able to withstand their assaults much longer. Others, more hopeful than myself, seem to think that the institution of slavery and the rights of the slaveholding States, in regard to the right of property in slaves, are more secure than they were a few years since. They give as grounds for this belief, the repeal of the Missouri Compromise, the passage of the Kansas-Nebraska act, and the decision of the Supreme Court of the United States, in the case of Dred Scott vs. Sanford.

It is true, that when these acts were passed by Congress, and the decision made by the Supreme Court, the Southern people, and the Constitutional men at the North hailed them as harbingers of peace, and rejoiced in the belief that much had been done for the security of the rights of the Southern States, and the safety of the Union. But subsequent events have proved, that

these hopes, though apparently well founded, were delusions.— These measures, and this decision, so far from arresting the progress of Black Republicanism, and giving peace and quiet to the country, were seized upon to inflame and prejudice the public mind in the non-slaveholding States, and resulted in the defeat of almost every Northern member of Congress who voted for them. The Judges of the Supreme Court, who concurred in the decision referred to, were denounced in the most violent manner, in public meetings and by legislative resolutions. In more recent elections, every member of Congress from the non-slaveholding States, with a very few exceptions, who voted for the admission of Kansas, under the Lecompton Constitution, was defeated.

In the face of these facts, and the preceding history of the Abolitionists, I should do injustice to my own conscience to tell you that the institution of slavery, or the Union, is now more secure than they were before the passage of the Kansas-Nebraska Act, the repeal of the Missouri Compromise, and the decision of the Dred Scott case.

But, in addition to this, a new and distracting question has arisen, as to the power and duty of Congress to protect the right of property in slaves, in the territories of the United States, and the powers of the Territorial Legislatures over the same subject. It is insisted by leading and distinguished statesmen, that by the Kansas-Nebraska Act, the whole question, including the right of protection to property in slaves, has been transferred to the people of the Territories, and that Southern Senators and Representatives, having voted for that act, we are estopped from claiming protection from Congress. In the 14th Section of the Kansas Nebraska Act, it is declared to be "the true intent and meaning of this Act, not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free, to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

The Act says that Congress will not legislate slavery into or out of a Territory, alluding to it as an *institution*; but it does not say that Congress will not interfere to protect the right of property in slaves in a Territory; nor can it be fairly inferred from the language of the Act. It is further insisted, that a Territorial Legislature may, by "unfriendly legislation," or by refusing to legislate for its protection of property in slaves exclude it from the Territories. This doctrine is at war with the very genius of the Federal Government, and destructive of the rights of the Slaveholding States.

The chief object in establishing the Government of the United States, was protection—protection to life, liberty and *property*, and not for the destruction or disparagement of either, except in cases of the commission of crimes.

All the territory now held by the United States, was acquired from France and Mexico, by the Federal Government as their agent and trustee, and is held for their common use and benefit, not merely, as some assert, until the organization of a Territorial Government, but until such organized Territory is admitted into the Union as a State. In this position, I am sustained by the Supreme Court in the Dred Scott case, already referred to. The Court say, alluding to the Territory purchased from France, "it was acquired by the General Government, as the representative and trustee of the people of the United States, and it must therefore be held in that character for their common and equal benefit; for it was the people of the several States, acting through their agent and representative, the Federal Government, who in fact acquired the Territory in question; and the Government holds it for their common use, until it shall be associated with the other States as a member of the Union." The State Governments, as such, have no jurisdiction over the Territories of the United States, and can, therefore, pass no law for the protection of their citizens, either as to persons or property, who may have become inhabitants thereof. The Federal Government, the trustee of all the States united, alone has the power,

and it is its duty to provide the people of the Territories with a government. For what purpose should they be provided with a government? The answer suggested by every mind is, for the *protection of persons and property*—surely not for the destruction or prejudice of either. Upon this point, the Supreme Court say,—“But until that time arrives, (meaning the admission of a Territory into the Union as a State,) it is undoubtedly necessary that some government should be established, in order to organize society, and to *protect* the inhabitants in their *persons and property*; and as the people of the United States could act in this matter, only through the Government which represented them, and through which they spoke and acted when the territory was obtained, *it was not only within the scope of its powers, but it was its duty* to pass such laws, and establish such a government as would enable those, by whose authority they acted, to reap the advantages anticipated from its acquisition.”

The Court further add, that the rights of property are united with “the rights of person, and are placed on the same ground by the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law; and an Act of Congress, which deprives a citizen of the United States of his liberty or property, merely because he came himself, and brought his property into a particular Territory of the United States, and who had committed no offence against the laws, could hardly be dignified with the name of due process of law.”

The Court clearly show, that if Congress be denied the right to exercise a particular power, it could not confer the right to exercise it upon a territorial government.

The territorial governments derive their right to legislate from the Federal Government, and have no greater powers than the government from which the power is derived. They are limited and restricted in the exercise of their powers by the Constitution, and the Act of Congress organizing the territorial governments.

The Constitution recognizes the right of property in slaves, and draws no distinction between it and any other species of property. This being true, the Court, on this point, say: "If the Constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting under the authority of the United States, whether it be legislative, executive, or judicial, has a right to draw such a distinction, or deny it the benefit of the *provisions and guarantees which have been provided for the protection of private property against the encroachments of the government.*"

I have, thus far, endeavored to show, and think I have shown, aided by the decision of the Supreme Court, that the Territories are the common property of the United States, and that the Federal Government holds them as trustee for the common use and benefit of the people of all the States, until they are admitted as States into the Union; that a citizen of any of the States may become an inhabitant of a Territory, and carry with him any property recognized as such in the State from which he emigrated, and his right of property is not affected by his change of residence; that although the Constitution may not establish slavery in a Territory, yet, if it be found there, it affirms the right, and makes no distinction between that and any other description of property, and that both are entitled to equal protection from the Federal Government; that the Government of the United States was established, among other things, for the *protection of property*, and not for its destruction or disparagement; that Congress has not the power to exclude slave property from the Territories by "unfriendly legislation," or by refusing to legislate for its protection, and could, therefore, confer no such power upon the people of the Territories.

It is said, that although a Territorial Legislature can pass no act conflicting with the Constitution, or its organic law, passed by Congress, yet it may refuse to legislate for the protection of the right of property in slaves, and that Congress cannot inter-

pose for its protection. A doctrine so iniquitous and unjust, is equivalent to an absolute denial of a constitutional right, and would defeat one of the main objects of the Government.

It is insisted that owners of slaves in the Territories must look alone to the Federal Courts for protection. It must be apparent to every reflecting mind, that the Courts, under a mere naked power of the Constitution, could not afford *adequate* protection. The powers delegated to the Federal Government cannot be carried out without the aid of legislation. The framers of the Constitution plainly saw this, and gave to Congress the power to pass all laws necessary and proper to carry out the powers delegated to the General Government.

Why was it that the Federal Government was divided into legislative, judicial and executive departments? The answer is plain. It was necessary to have a Legislature, or Congress, to pass laws to carry out the powers delegated in the Constitution; and as Congress could not sit in judgment upon its own laws, judicial officers were provided, to decide all questions arising under these laws; and an executive officer was necessary to see that the laws and the judgments of the Courts were faithfully executed. We cannot fail to perceive, that if Congress fails to enact laws to carry out the powers delegated to the Federal Government, there would be but little use for courts.

If it be true that Congress, by the passage of the Kansas-Nebraska act, has deprived itself of the right to interfere for the protection of the right of property in slaves in the Territories, and if it be conceded that the Territorial Legislature may refuse to provide by law for its protection, and that the owners of such property must look alone to the courts for the security of their rights, it follows that although the inhabitants of the Territories have the constitutional right to hold slaves as property, this right is destroyed, or rendered valueless, because Congress has denied itself the right to interpose for its protection, and the Territorial legislature may refuse to do so. I have already shown that the courts cannot afford adequate protection, without legis-

lation, on the part of Congress or the Territorial legislature. If the legislative department of the government, whether it be Congress or its agents, Territorial legislatures, can thus trifle with the rights of the people, the Federal Government has failed to effect the object of its creation, in a matter of vital importance to one section of the Union. But it is urged by some, that admitting Congress has the right to interpose for the protection of the rights of property in slaves in the Territories, that it is an abstract and impracticable right, and ought not to be insisted on. This is an unsafe position to assume. If this right is denied by the non-slaveholding States, where there is no necessity for its exercise, will they not be much more likely to deny it when such necessity arises? The true position on this point is this: that although there may now be no necessity for the interposition of Congress for the protection of the rights of property in slaves in the Territories, yet it is a constitutional right, and a necessity may arise for its exercise. We should not therefore place ourselves in a position, if such a contingency should occur, to be told that we had conceded the right. The idea that the Southern States, or any of them, desire a slave code adopted by Congress for the Territories, exists alone in the imagination of those who assert it.

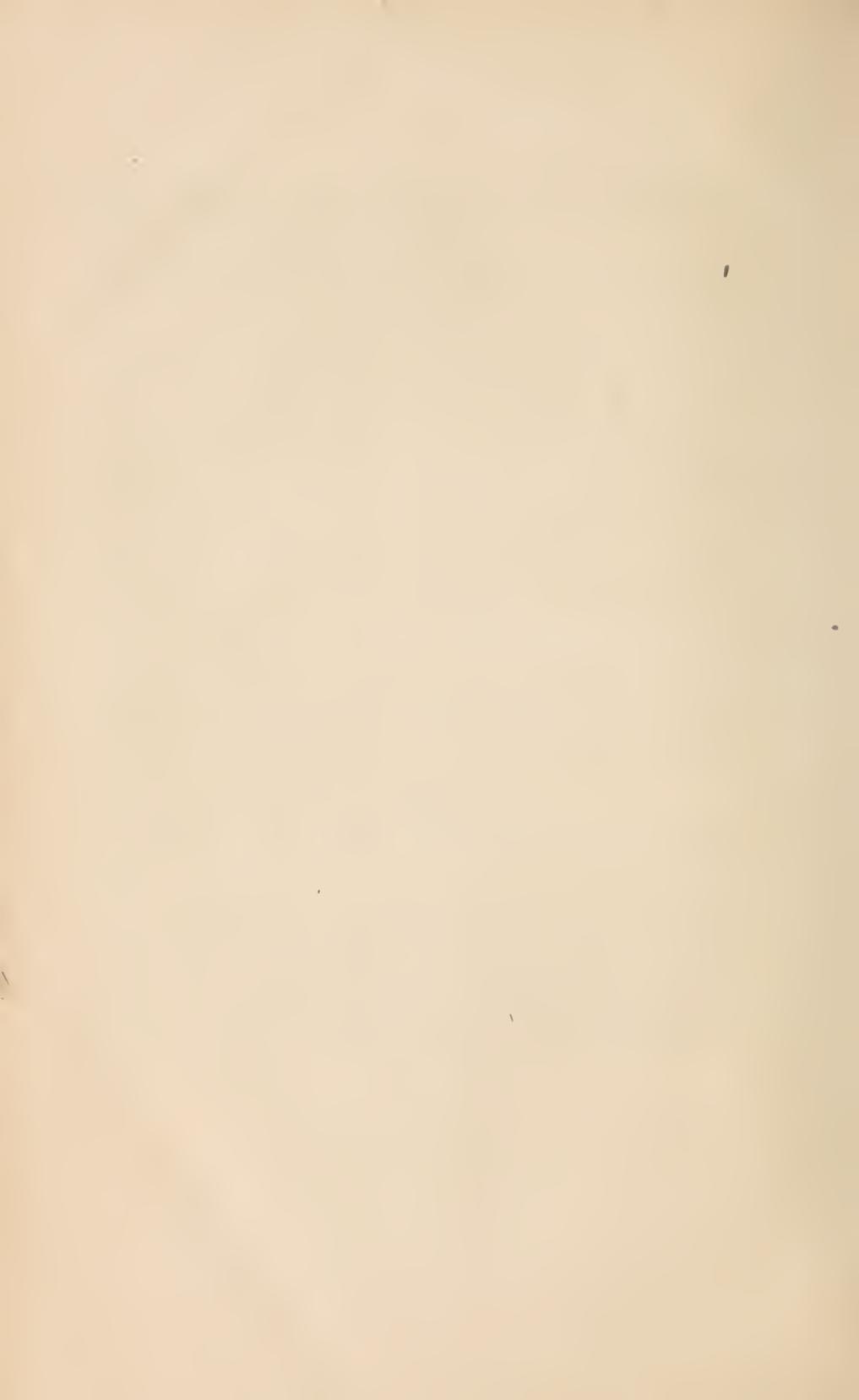
Having made a brief and true statement of facts, which show a rapid and fearful increase of the power of the Black Republicans, and having discussed and shown the dangerous tendency of the new issue, growing out of the slavery question, we are naturally led to ask what is the duty of the slaveholding States under the circumstances? I can only give you my opinion. They should do everything, that becomes them as patriots, to preserve their rights and equality in the Union. They should insist on all their constitutional rights, and grant the same to every section of the country, and make no more compromises of principles, involving constitutional rights. If they have been taught anything by experience, it is that by compromises and concessions on the question of slavery, they have lost much and

gained nothing. If, with the lights before them, they continue to make concessions of constitutional rights, they will deserve the fate that will certainly overtake them.

It is manifest, that the Black Republicans intend to be satisfied with nothing short of the extermination of the institution of slavery. The "irrepressible conflict" is going on, and has developed itself in a new form, in the bloody tragedy at Harper's Ferry. The extent of this conspiracy, shows that what the Abolitionists cannot effect through the *malfeasance* or *nonfeasance* of Congress, and the Territorial Legislatures, they intend to accomplish by conspiracy, violence and bloodshed. I repeat, then, let the Southern States stand firmly upon the Constitution, as the great platform upon which the Federal Government is erected, and under which their rights can alone be protected. Let it not be supposed from what I have said, that I am a disunionist.—No man is a disunionist who adheres strictly to the Constitution. There is no sacrifice I would not make to preserve the Union as our *fathers made it*. I should regard its dissolution as a great calamity, but if the alternative should be presented to the State of Alabama of remaining in the Union an unequal and degraded member, or dissolving her connection with it, she should not hesitate to choose the latter alternative.

That there is great danger of such an alternative being presented, we cannot doubt. The approaching Presidential election may test it.

It is therefore the duty of the friends of the Constitution and equal rights, in every section of the Union, to unite to prevent the election of a Black Republican. That an overruling Providence will direct the public mind in the path of duty and patriotism, and carry us safely through the approaching crisis, is my sincere prayer.



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